

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 08, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

NO: 2:24-CV-0105-TOR

ORDER OF DISMISSAL

**1915(g)**

By Order filed May 2, 2024, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 6. Plaintiff, a *pro se* civil detainee at the Eastern State Hospital is proceeding *in forma pauperis*, but without the obligation to pay the full filing fee under 28 U.S.C. § 1915(b). ECF No. 4. Tana E. Whelan, an Assistant Attorney General for the State of Washington, has entered a notice of appearance on behalf of Defendant, ECF No. 6, although the Court did not direct that the complaint be served on Defendant.

1 In the Order to Amend or Voluntarily Dismiss Complaint, the Court found  
2 that Plaintiff had failed to present facts supporting an inference that persons named  
3 as Defendants to this action caused or personally participated in causing a  
4 deprivation of Plaintiff's protected rights. *Arnold v. IBM*, 637 F.2d 1350, 1355 (9th  
5 Cir. 1981); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989). ECF No. 5 at 4.  
6 The Court cautioned Plaintiff that if he did not amend or voluntarily dismiss as  
7 directed, his complaint would be dismissed for failure to state a claim upon which  
8 relief may be granted. *Id.* at 7.

9 Although granted the opportunity to amend, Plaintiff did not do so and has  
10 filed nothing further in this action. The Court must assume that he has chosen to  
11 abandon this litigation. Therefore, for the reasons set forth above and in the Order  
12 to Amend or Voluntarily Dismiss Complaint, ECF No. 5, the complaint is dismissed  
13 for failure to state a claim upon which relief may be granted under 28 U.S.C. §§  
14 1915(e)(2) and 1915A(b)(1).

15 **ACCORDINGLY, IT IS ORDERED:**

- 16 1. The Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**.  
17 2. This dismissal may count as a “strike” under 28 U.S.C. § 1915(g).  
18 3. Plaintiff’s *in forma pauperis* status is hereby **REVOKED**.
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1 4. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this  
2 Order would not be taken in good faith and would lack any arguable basis in  
3 law or fact.

4 5. The Clerk of Court is further directed to forward a copy of this Order to the  
5 Office of the Attorney General of Washington, Criminal Justice Division.

6 The Clerk of Court is directed to enter this Order and Judgment accordingly,  
7 provide copies to Plaintiff at his last known address and to counsel of record, and  
8 **CLOSE** the file.

9 **DATED** July 8, 2024.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge